

CYNTHIA D. FINLAY
Claimant

UNITED PARCEL SERVICE
Respondent

LIBERTY MUTUAL INSURANCE COMPANY
Insurance Carrier

Before the Appeals Board can consider the merits of the Administrative Law Judge's order, it must first determine whether or not it has jurisdiction of the matter at this juncture of

the proceeding. The Appeals Board finds and concludes that it does not have jurisdiction to review the Order.

The Order of the Administrative Law Judge granting respondent's request for an extension of its terminal date is interlocutory in nature and made during the litigation of this workers compensation case. Claimant's objection and appeal of the Administrative Law Judge's Order is premature. It is not a final order that can be reviewed pursuant to K.S.A. 44-551, as amended by S.B. 649 (1996). That statute gives the Appeals Board the "authority to increase or diminish any award of compensation or to remand any matter to the administrative law judge." It does not grant authority to review interlocutory orders which an administrative law judge has the authority to make. The Order before us falls within that category of orders. Neither does the Order concern an issue that came before the Administrative Law Judge pursuant to the preliminary hearing statute K.S.A. 44-534a, as amended by S.B. 649 (1996), as preliminary hearing orders are limited to issues of furnishing of medical treatment and payment of temporary total disability compensation. The Order now before the Appeals Board pertains to an interlocutory matter over which the administrative law judge has authority to adjudicate if called upon during a workers compensation proceeding. As such, it is not an order which the Appeals Board can review at this stage of the proceedings.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the claimant herein should be, and is hereby, dismissed.

IT IS SO ORDERED.

Dated this ____ day of November 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Keith L. Mark, Mission, KS
Stephen A. McManus, Kansas City, KS
Robert H. Foerschler, Administrative Law Judge
Philip S. Harness, Director